



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD

Rely on us.

TO: Commissioners Carlson, Mital, Helgeson, Schlossberg and Brown
FROM: Frank Lawson, General Manager
DATE: February 21, 2019
SUBJECT: Resolution 1909, Joint Use of EWEB Facilities for Telecommunications
OBJECTIVE: Action

Issue

EWEB Management wishes to clarify with the Board EWEB's role in the telecommunications build-out in EWEB's service territory.

Background

For decades, EWEB has supported the joint use of facilities for the general public good, and as predicated by law. As a result, power supplies, lights, signs, communications cables, antennas, and other equipment has been co-located on EWEB poles, facilities, and/or property. EWEB charges rent for this joint use in accordance with laws, industry standards, and costs.

Discussion

The purpose of Resolution 1909, Joint Use of EWEB Facilities for Telecommunications, is to confirm and clarify EWEB's position regarding the sharing (joint use) of EWEB infrastructure. Not only is joint use required by law, it is standard practice by EWEB and other utilities across the country.

It is important to recognize that EWEB does not own or operate joint use equipment. We are obligated by law to provide power to this equipment if properly permitted. Depending on the type of apparatus, appropriate agencies regulate the safety and use of the equipment. In the case of cellular equipment, the Federal Communications Commission (FCC) regulates communications, is responsible for implementing and enforcing America's communications law and regulations, and sets safety standards for the devices it regulates, which includes radio frequency communications devices and equipment. As a result, EWEB's role is to confirm that the FCC has determined that the equipment is safe and meets its standards.

EWEB Management is requesting that, as a public utility, the EWEB Commissioners will continue to support the joint use of EWEB facilities for telecommunications purposes, provided such joint use:

- 1) is properly permitted and authorized by each public entity with jurisdiction over the affected facilities or area, where applicable,

- 2) equipment meets the requirements of the FCC, or other authorized agency with oversight or registration to certify (e.g. Underwriters Labs, Factory Mutual, NSF International) the proposed equipment meets all such requirements,
- 3) meets EWEB's engineering guidelines, including applicable requirements of the National Electric Safety Code (NESC),
- 4) will not disrupt EWEB electricity or water delivery or operations,
- 5) is managed by the terms and conditions of a signed agreement with EWEB.

Recommendation

EWEB Management recommends approval of Resolution 1909, Joint Use of EWEB Facilities for Telecommunications, clarifying EWEB's role and conditions related to the telecommunications build-out in our service territory.

Requested Board Action

Approval of Resolution 1909

RESOLUTION NO. 1909
MARCH 2019

EUGENE WATER & ELECTRIC BOARD
JOINT USE OF EWEB FACILITIES FOR TELECOMMUNICATIONS

WHEREAS, the Eugene Water & Electric Board, herein referred to as EWEB, is a municipal utility chartered under City of Eugene, Section 44, with the power of the city to generate, collect, and distribute electricity, steam, and other kinds of physical energy and maintain and operate the water utility and the electric utility of the city.

WHEREAS, EWEB manages assets and operates electricity and water systems in the City of Eugene and Lane County, Oregon.

WHEREAS, EWEB's mission is "to enhance our community's vitality by delivering drinking water and electric services consistent with the values of our customer-owners".

WHEREAS, in accordance with Oregon law, ORS Chapter 758 and 759, the Oregon Public Utility Commission has the authority to determine the manner and extent of the regulation of telecommunications services within the State of Oregon, and has the power to enforce joint use of facilities.

WHEREAS, The Federal Communications Commission (FCC) regulates communications, is the federal agency responsible for implementing and enforcing America's communications law and regulations, and sets safety standards for the devices it regulates, which includes Radio Frequency (RF) communications devices and equipment.

WHEREAS, Federal law, including Section 704 of the Telecommunications Act of 1996, bars state and local governments from regulating the placement, construction, and modification of cell phone and other personal wireless service facilities on the basis of the environmental effects of RF emissions to the extent that such facilities comply with the FCC regulations concerning such emissions.

WHEREAS, EWEB has an obligation to make certain facilities available for joint use on a non-discriminatory basis as required by applicable federal and state law.

BE IT RESOLVED that the Eugene Water & Electric Board directs the General Manager to continue to support the joint use of EWEB facilities for telecommunications purposes, provided such joint use:

- 1) is properly permitted and authorized by each public entity with jurisdiction over the affected facilities or area, where applicable,
- 2) equipment meets the requirements of the FCC, or other authorized agency with oversight or registration to certify (e.g. Underwriters Labs, Factory Mutual, NSF International) the proposed equipment meets all such requirements,
- 3) meets EWEB's engineering guidelines, including applicable requirements of the National Electric Safety Code (NESC),
- 4) will not disrupt EWEB electricity or water delivery or operations,
- 5) is managed by the terms and conditions of a signed agreement with EWEB.

DATED this 5 day of March, 2019

THE CITY OF EUGENE, OREGON
Acting by and through the
EUGENE WATER & ELECTRIC BOARD

President

I, ANNE M. KAH, the duly appointed, qualified and acting Assistant Secretary of the Eugene Water & Electric Board, do hereby certify that the above is a true and exact copy of the resolution adopted by the Board at its March 5 2019, Regular Board Meeting.